McALPIN

R454 (1813

A

LETTER

From a Perſon of

QUALITY,

To His

FRIEND

In the

COUNTRY.

[Anthony Ashley Cooper]

Printed in Year, 1675.

1814

LIBRARY OF THE
UNION
THEOLOGICAL
SEMINARY
NEW YORK

A Letter from a Perſon of Quality, to His Friend in the Country.

SIR,

THis Seſſion being ended, and the Bill of the *Teſt* neer finiſhed at the Committee of the whole Houſe; I can now give you a perfect Account of this STATE MASTER-PIECE. It was firſt hatch't (as almoſt all the Miſchiefs of the World have hitherto been) amongſt the *Great Church Men*, and is a Project of ſeveral Years ſtanding, but found not Miniſters bold enough to go through with it, until theſe *new ones*, who wanting a better Bottom to ſupport them, betook themſelves wholly to this, which is no ſmall Undertaking if you conſider it in its whole Extent.

Firſt, to *make a diſtinct Party* from the reſt of the Nation of the High Epiſcopal Man, and the Old Cavalier, who are to ſwallow the hopes of enjoying all the Power and Office of the Kingdom, being alſo tempted by the advantage they may recieve from overthrowing the *Act of Oblivion*, and not a little rejoycing to think how valiant they ſhould prove, if they could get any to fight the Old Quarrel over again; Now they are poſſeſt of the Arms, Forts, and Ammunition of the Nation.

Next they deſign to *have the Government of the Church Sworne to as Unalterable*, and ſo Tacitely owned to be of Divine Right, which though inconſiſtent with the Oath of Supremacy; yet the Church Men eaſily break through all Obligations whatſoever, to attain this Station, the advantage of which, the Prelate of *Rome* hath ſufficiently taught the World.

Then in requital to the Crown, they declare the Government *abſolute* and *Arbitrary*, and allow Monarchy as well as Epiſcopacy to be *Jure Divino*, and not to be bounded, or limited by humane Laws.

1816

And to secure all this they resolve to take away the Power, and opportunity of *Parliaments* to alter any thing in Church or State, only leave them as an *instrument* to raise Money, and to pass such Laws, as the Court, and Church shall have a mind to; The Attempt of any other, how necessary soever, must be no less a Crime then Perjury.

And as the topstone of the whole Fabrique, a pretence shall be taken from the Jealousies they themselves have raised, and a real necessity from the smallness of their Partie to encrease, and keep up a standing Army, and then in due time the Cavalier and Church-man, will be made greater *fools*, but as errant *Slaves* as the rest of the Nation.

In order to this, The *first step* was made in the *Act for Regulating Corporations*, wisely beginning, that in those lesser Governments which they meant afterwards to introduce upon the Government of the Nation, and making them Swear to a Declaration, and beleif of such propositions as themselves afterwards upon debate, were enforced to alter, and could not justifie in those words; so that many of the Wealthyest, Worthyest, and Sobereſt Men, are still kept out of the Magistracy of those places.

The *next step* was in the *Act of the Militia*, which went for most of the cheifest Nobility and Gentry, being obliged as Lord-Lieutenants, Deputy-Lieutenants, *&c.* to Swear to the same Declaration, and Beleif, with the addition only of these words *In pursuance of such Military Commissions*, which makes the Matter rather worse then better; Yet this went down smoothly as an Oath in fashion, a testimony of Loyalty, and none adventuring freely to debate the matter, the humor of the Age like a strong Tide, carries Wise and good Men down before it: This Act is of a piece, for it establisheth a *standing Army* by a Law, and swears Us into a *Military Government*.

Immediately after this, Followeth the *Act of Uniformity*, by which all the Clergy of *England* are obliged to subscribe, and declare what the Corporations, Nobility, and Gentry, had before Sworn, but with this additional clause of the Militia Act omitted: This the Clergy readily complyed with; for you know That sort of Men are taught rather to obey, then understand, and to use that *Learning* they have, to *justify*, not to *examine* what their Superiors command: And yet that *Bartholomew day* was fatal to our Church, and Religion, in throwing out a very great Number of *Whorthy, Learned, Pious, and Orthodox Divines*, who could not come up to this, and other things in that Act; And it is an Oath upon this occasion worth your knowledg, that so great was the Zeal in carrying on this Church affair, and so blind was the Obedience required, that if you compute the time of the passing this Act, with the time allowed for the Clergy to subscribe the Book of *Common Prayer* thereby established; you shall plainly find it

could

could not be Printed, and distributed so, as one Man in forty could have seen and read the Book they did so perfectly Assent and Consent to.

But this Matter was not compleat until *the Five Mile Act* passed at *Oxford*, wherein they take an opportunity to introduce the Oath in the terms they would have it: This was then strongly opposed by the L. Treasurer *Southampton*, Lord *Wharton*, L. *Ashley*, and others not only in the Concern of those poor Ministers that were so severely handled, but as it was in it Self, a most Unlawful, and Unjustifyable Oath; however, the Zeal of that time against All *Nonconformists*, easily passed the Act.

This Act was seconded the same Sessions at *Oxford* by another Bill in the House of Commons, to have imposed that Oath on the *whole Nation*; and the Providence by which it was thrown out, was very remarquable; for Mr. *Peregrine Bertie*, being newly chosen, was that morning introduced into the House by his Brother the now Earl of *Lindsey*, and Sir *Tho. Osborn* now L. Treasurer, who all Three gave their Votes against that Bill; and the Numbers were so even upon the division, that their three Votes carried the Question against it. But we owe that Right to the Earl of *Lindsey*, and the Lord Treasurer, as to acknowledg that they have since made ample Satisfaction for whatever offence they gave either the Church or Court in that Vote.

Thus our *Church* became *Triumphant*, and continued so for divers years, the dissenting *Protestant* being the only *Enemy*, and therefore only persecuted, whilest the Papists remained undisturbed being by the Court thought Loyal, and by our Great Bishops not dangerous, they differing only in Doctrine, and Fundamentalls; but, as to the Government of the Church, that was in their Religion in its highest Exaltation.

This Dominion continued unto them, untill the L. *Clifford*, a Man of a *daring* and *ambitious spirit*, made his way to the cheif Ministery of Affairs by other, and far different measures, and took the opportunity of the War with *Holland*, the *King* was then engaged in, to propose *the Declaration of Indulgence*, that the Dissenters of all sorts, as well Protestants as Papists, might be at rest, and so vast a number of People, not be made desperate, at Home, while the *King* was engaged with so potent an Enemy abroad. This was no sooner proposed, but the E. of *Shaftsbury* a Man as daring but more Able, (though of principles and interest, Diametrically opposite to the other) presently closed with it, and perhaps the opportunity I have had by my conversation with them both, who were Men of diversion, and of free and open Discourses where they had a confidence; may give you more light into both their Designs, and so by consequence the aimes of their Parties, then you will have from any other hand. My *L. Clifford* did in expres Terms, tell me one day in private Discourse;

That the King, if He would be firm to Himself, might settle what Religion He pleased, and carry the Government to what height He would; for if Men were assured in the Liberty of their Conscience and undisturbed in their Properties, able and upright Judges made in Westminster-Hall *to judg the Causes of* Meum *and* Tuum, *and if on the Other hand the Fort of* Tilbury *was finished to bridle the City, the Fort of* Plymouth *to secure the West, and Armes for* 20 000 *in each of these, and in* Hull *for the Northern parts, with some addition, which might be easily and undiscernedly made to the Forces now on foot, there were none that would have either Will, Opportunity, or Power to resist. But he added withall, he was so sincere in the maintenance of Propriety, and Liberty of Conscience, that if he had his Will, though he should introduce a Bishop of* Durham, *(which was the Instance he then made, that See being then vacant) of another Religion, yet he would not disturb any of the Church beside, but suffer them to dye away, and not let his change (how hasty soever he was in it) overthrow either of those principles, and therefore desired he might be thought an honest Man as to his part of the Declaration, for he meant it really.* The L. *Shaftsbury* (with whom I had more freedom) I with great assurance, asked what he meant by the *Declaration,* for it seemed to me (as I then told him) that it assumed *a Power to repeal and suspend all our Laws,* to *destroy the Church, to overthrow the Protestant Religion, and to tolerate Popery*; He replyed half angry, *That he wondered at my Objection, there being not one of these in the Case: For the King assumed no power of repealing Laws, or suspending them, contrary to the will of his Parliament, or People, and not to argue with me at that time the power of the King's Supremacy, which was of another nature then that he had in Civills, and had been exercised without exception in this very case by His Father, Grand Father, and* Queen Elizabeth, *under the Great Seal to Forreign* Protestants, *become subjects of* England, *nor to instance in the suspending the Execution of the two Acts of* Navigation *and* Trade, *during both this, and the last* Dutch *War in the same words, and upon the same necessity, and as yet, without Clamour that ever we heard; But, to pass by all that, this is certain, a Government could not be supposed whether* Monarchical, *or other of any sort, without a standing Supream Executive power, fully enabled to Mitigate, or wholly to suspend the Execution of any penal Law, in the Intervalls of the* Legislative *power, which when assembled, there was no doubt but wherever there lies a* Negative *in passing of a Law, there the address or sense known of either of them to the contrary, (as for instance of either of our two Houses of* Parliament *in* England) *ought to determine that Indulgence, and restore the Law to its full execution: For without this, the Laws were to no purpose made, if the Prince could annull them at pleasure; and so on the other*

hand,

hand, without a Power always in being of dispensing upon occasion, was to suppose a constitution extreamly imperfect and unpracticable, and to cure those with a Legislative *power always in being, is, when considered, no other then a perfect Tyranny. As to the Church, he conceived the Declaration was extreamly their Interest; for the narrow bottom they had placed themselves upon, and the Measures they had proceeded by, so contrary to the Properties, and Liberties of the Nation, must needs in short time, prove fatall to them, whereas this led them into another way to live peaceably with the dissenting and differing* Protestants, *both at home and abroad, and so by necessary and unavoidable Consequences, to become the Head of them all; For that place is due to the Church of* England, *being in favor, and of neerest approach to the Most powerful Prince of that* Religion, *and so always had it in their hands to be the Intercessors and Procurers of the greatest Good and Protection, that partie throughout all* Christendom, *can receive. And thus the A. Bishop of* Canterbury *might become, not only* Alterius Orbis, *but* Alterius Religionis Papa, *and all this addition of Honor and Power attaind without the least loss or diminution of the Church; It not being intended that one living Dignity, or Preferment should be given to Any but those, that were strictly Conformable. As to the* Protestant *Religion, he told me plainly, It was for the preserving of That and that only that he heartily joyned in the* Declaration; *for besides that, he thought it his Duty to have care in his Place and Station, of those he was convinced, were the People of* God *and feared Him, though of different persuasions; he also knew nothing else but Liberty, and Indulgence that could possibly (as our case stood) secure the* Protestant *Religion in* England; *and he beg'd me to consider, if the Church of* England *should attain to a rigid, blind, and undisputed Conformity, and that power of our Church should come into the hands of a* Popish Prince, *which was not a thing so impossible, or remote, as not to be apprehended; whether in such a case, would not all the Armes and Artillery of the Government of the Church, be turned against the present Religion of it, and should not all good* Protestants *tremble to think what Bishops such a Prince was like to make, And whom those Bishops would condemn for Hereticks, and that Prince might burn; Whereas if this which is now but a* Declaration, *might ever by the Experience of it, gain the Advantage of becoming an Established Law, the true* Protestant *Religion would still be kept up amongst the Cities, Towns, and Trading places, and the Worthyest, and Soberest (if not the greatest) part of the Nobility, and Gentry, and People:* As for the *toleration of Popery* he said, *It was a pleasant Objection, since he could confidently say that the* Papists *had no advantage in the least by this* Declaration, *that they did not as* fully *enjoy, and with less noise, by the favor of all the Bishops before. It was the Vanity of the* L. Keeper, *that they were named*

at all, for the whole advantage was to the dissenting Protestants, which were the only Men disturb'd before; and yet he confest to me, that it was his opinion, and always had been, that the Papists *ought to have no other pressure laid upon them, but to be made uncapable of Office, Court, or Armes, and to pay so much as might bring them at least to a ballance with the Protestants, for those chargable Offices they are lyable unto; and concluded with this that he desired me seriously to weigh, whether Liberty and Propriety were likely to be maintained long in a Countrey like Ours, where Trade is so absolutely necessary to the very being, as well as prosperity of it, and in this Age of the World, if Articles of Faith and Matters of Religion should become the only accessible ways to our Civil Rights.*

Thus Sir, You have perhaps a better account of the *Declaration*, then you can receive from any other hand, and I could have wisht it a longer continuance, and better Reception then it had: for the Bishops took so great Offence at it, that they gave the Alarum of *Popery* through the whole Nation, and by their Emissaries the Clergy (who by the Connexture and Subordination of their Government, and their being posted in every Parish, have the Advantage of a quick dispersing their Orders, and a sudden and universal Insinuation of whatever they please) raised such a cry, that those good and sober Men, who had really long feared the Encrease and continuance of *Popery*, had hitherto received, began to believe the Bishops were in earnest; their Eyes opened, though late, and therefore joyned in heartily with them; so that at the next meeting of Parliament, the *Protestants* Interest was run so high, as an Act came up from the *Commons* to the *H. of Lords* in favor of the dissenting Protestants, and had passed the *Lords*, but for want of time, Besides, another excellent *Act* passed the Royal Assent for the *Excluding all* Papists *from Office*, in the Opposition of which, the L. Treasurer *Clifford* fell, and yet to prevent his ruine, this Sessions had the speedier End. Notwithstanding, the Bishops attain'd their Ends fully, the *Declaration* being *Cancelled*, and the great Seal being broken off from it, The Parliament having passed an Act in favor of the Dissenters, and yet the sense of both Houses sufficiently declared against all Indulgence but by *Act of Parliament*: Having got this Point, they used it at first with seeming Moderation, there were no general Directions given for prosecuting the *Nonconformists*, but here and there some of the most Confiding Justices, were made use of to try how they could receive the Old Persecution; for as yet the Zeal raised against the *Papists*, was so great, that the worthyest, and sobereſt, of the Episcopal party, thought it necessary to unite with the dissenting *Protestants*, and not to divide their Party, when all their Forces were little enough; In this posture the

the *Sessions of Parliament* that began *Oct.* 27. 1673. found Matters, which being suddenly broken up, did nothing.

The next Sessions which began *Jan* 7. following, the *Bishops* continued their *Zeal against the Papists*, and seem'd to carry on in joyning with the Countrey Lords, many excellent Votes in order to a Bill, as in particular, *That the Princes of the Blood-Royal should all Marry Protestants*, and many others, but their favor to dissenting *Protestants* was gone, and they attempted a Bargain with the Countrey Lords, with whom they then joyned not to promote any thing of that nature, except *the bill for taking away Assent and Consent, and renouncing the Covenant.*

This Session was no sooner ended without doing any thing, but the whole Clergy were instructed to declare that there was now no more danger of the *Papists*: The *Phanatique* (for so they call the dissenting *Protestant*) is again become the *only dangerous Enemy*, and the Bishops had found a *Scots* Lord, and two new Ministers, or rather Great Officers of *England*, who were desperate and rash enough, to put their Masters business upon so narrow and weak a bottom; And that *old Covenanter Lauderdale*, is become the *Patron of the Church*, and has his Coach and table fil'd with Bishops. The Keeper and the Treasurer are of a just size to this affair, for it is a certain rule with the Church Men, to endure (as seldom as they can) in business, Men abler then themselves. But his Grace of *Scotland* was least to be executed of the Three, for having fall'n from *Presbitery*, *Protestaant* Religion, and all principles of Publick good and private friendship, and become the Slave of *Clifford* to carry on the Ruine of all that he had professed to support, does now also quit even *Clifford*'s generous Principles, and betake himself to a sort of Men, that *never forgive any Man the having once been in the right*; and such Men, who would do the worst of things by the worst of means, enslave their country, and betray them, under the mask of Religion, which they have the publick Pay for, and charge off; so seething the Kid in the Mothers milk. Our Statesmen and Bishops being now as well agreed, as in Old *Laud*'s time, on the same principles, with the same passion to attain their end, they in the first place give orders to the Judges in all their Circuits to quicken the Execution of the Laws against Dissenters; a *new Declaration* is published directly contrary to the former, most in words against the *Papists*, but in the Sense, and in the close, did fully serve against both, and in the Execution, it was plain who were meant. A *Commission* besides, comes down directed to the principal Gentlemen of each country, *to seize the Estates of* both *Papists* and *Phanatiques*, mentioned in a List annexed, wherein by great misfortune, or skill, the Names of the *Papists* of best quality and fortune

(and so best known) were mistaken, and the Commission render'd ineffectual as to them.

Besides this, the great Ministers of State did in their common publick assure the partie, that all the places of Profit, Command, and Trust, shou'd only be given to the old *Cavalier*; no Man that had served, or been of the contrary Party, should be left in any of them; And a direction is issued to the Great Ministers before mentioned, and Six or seven of the Bishops to meet at *Lambeth-House*, who were like the Lords of the Articles in *Scotland*, to prepare their compleat Modell for the ensuing *Session of Parliament*.

And now comes this *memorable Session of Aprill* 13. 75. then, which never any came with more expectation of the Court, or dread and apprehension of the People; the Officers, Court Lords, and Bishops, were clearly the major Vote in the *Lords House*, and they assured themselves to have the Commons as much at their dispose when they reckoned the number of the Courtiers, Officers, Pensioners encreased by the addition of the Church and Cavalier party, besides the Address they had made to Men of the best quality there by hopes of Honor, great employment, and such things as would take. In a word, the *French* King's Ministers, who are the great Chapmen of the World, did not out-doe ours at this time, and yet the *over ruling hand of God* has blown upon their Politicks, and the Nation is escaped this Session, like *a Bird out of the snare* of the Fowler.

In this Sessions the Bishops wholly laid aside their Zeal against *Popery*. The Committee of the whole House for Religion, which the Country Lords had caused to be set up again by the example of the former Sessions, could hardly get, at any time, a day appointed for their Sitting, and the main thing design'd for a Bill voted in the former Session, *viz. the marrying our Princes to none but Protestants*, was *rejected* and carryed in the Negative by the unanimous Votes of the *Bishops Bench*; for I must acquaint you that our great Prelates were so neer an Infallibility, that they were always found in this Session of one mind in the *Lords House*; yet the Lay Lords, not understanding from how excellent a Principle this proceeded, commonly called them for that reason *the dead Weight*, and they really proved so in the following business, for the third day of this Session this *Bill of Test* was brought into the Lords House by the Earl of *Lindsey* L. High Chamberlain, a person of great quality, but in this imposed upon, and received its first reading and appointment for the second without much opposition; the Country Lords being desirous to observe what weight they put upon it, or how they designed to manage it.

At

At the second reading, the L. Keeper, and some other of the Court Lords, recommended the Bill to the House in Set and Elaborate *Speeches*, the *Keeper* calling it *A moderate Security to the Church and Crown*, and that no honest Man could refuse it, and whosoever did, gave great suspition of Dangerous, and *Anti-Monarchicall* Principles, the other Lords declame very much upon the Rebellion of the late Times, the great number of *Phanatiques*, the dangerous principles of rebellion still remaining, carrying the Discourse on as if they meant to trample down the *Act of Oblivion*, and all those whose Securities depended on it, But the Earl of *Shaftsbury* and some other of the Country Lords, earnestly prest that the Bill might be laid aside, and that they might not be engaged in the debate of it; or else that that Freedom they should be forced to use in the necessary defence of their Opinion, and the preserving of their Laws, Rights, and Liberties, which this Bill would overthrow, might not be misconstrued: For there are many things that must be spoken upon the debate, both concerning Church and State, that it was well known they had no mind to hear. Notwithstanding, this the great Officers and Bishops called out for the Question of referring the Bill to a Committee; but the Earl of *Shaftsbury*, a Man of great Abilities, and knowledg in Affairs, and one that, in all these variety of changes of this last Age, was never known to be either bought or frighted out of his publick Principles, at Large opened the mischievous, and ill designs, and consequences of the Bill, which as it was brought in, required all Officers of Church and State, and all Members of both Houses of *Parliament*, to take this Oath following.

J. A. B. *do declare that it is not Lawful upon any pretence whatsoever, to take up Armes against the King, and that I do abhorr that Traiterous position of taking Armes by His authority, against His Person, or against those that are commission'd by Him in pursuance of such Commission; And I do swear that I will not at any time endeavor the Alteration of the Government, either in Church or State, so help me God.* The Earl of *Shaftsbury* and other Lords, spake with such convincing Reason, that all the Lords, who were at liberty from Court-Engagements, resolved to *oppose* to the uttermost, *a Bill of so dangerous consequence*; and the debate lasted Five several days before it was committed to a Committee of the whole House, which hardly ever happened to any Bill before, All this and the following debates, were managed cheifly by the Lords, whose Names you will find to the following *Protestations*; the *First* whereof, was as followeth.

We whose Names are under Written being Peers of this Realm, do according to our Rights and the ancient Usage of Parliaments, *declare that the Question having been put whether the Bill (entitled an Act to prevent the danger which may arise from Persons disaffected to the Government) doth so far intrench upon the Priviledges of This House; that it ought therefore to be cast out. It being resolved in the Negative, We do humbly conceive that any Bill which imposeth an Oath upon the* Peers *with a Penalty, as this doth, that upon the refusal of that Oath,* They shall *be made uncapable of Sitting and Voting in this* House, *as it is a thing unprecidented in former Times, so is it, in Our humble Opinion, the highest Invasion of the Liberties and Priviledges of the* Peerage, *that possibly may be, and most destructive of the Freedom, which they ought to enjoy as Members of* Parliament, *because the priviledges of Sitting and Voting in* Parliament *is an Honor they have by Birth, and a Right so inherant in them, and inseparable from them, as that nothing can take it away, but what by the Law of the Land, must withal, take away their Lives, and corrupt* their Blood; *upon which ground we do here enter our Dissent from that Vote, and our Protestation against it*

Buckingham	*Aylisbury*	*Howard* E. of Berks	*Shaftsbury*
Bridgwater	*Bristol*	*Mohun*	*Clarendon*
Wincheſter	*Denbigh*	*Stamford*	*Grey Roll.*
Salisbury	*Pagitt*	*Hallifax*	*Say & Seal*
Bedford	*Holles*	*De la mer*	*Wharton*
Dorset	*Peter*	*Eure*	

The *next Protestation* was againſt the Vote of committing the Bill in the words following;

The Question being put whether the Bill Entituled An Act to prevent the Dangers, which may arise from Persons disaffected to the Government, should be commited, It being carried in the Affirmative, and We after several days *debate, being in no measure Satisfied, but still apprehending that this Bill doth not only subvert the Priviledges, and birth-right of the* Peers, *by imposing an Oath upon them with the penalty of losing their Places in* Parliament; *but also, as We humbly conceive, stick at the very* root of *Government; it being necessary to all Government to have freedom of Votes and Debates in those, who have power to alter, and make Laws, and besides, the express words of this Bill, obliging every Man to abjure all Endeavors to alter the Government in the Church;*

without

without regard to any thing that rules of Prudence in the Government, or Christian compassion to Protestant *Dissenters, or the necessity of Affairs at any time, shall or may require. Upon these Considerations, We humbly conceive it to be of dangerous consequence to have any* Bill *of this Nature, so much as Committed, and do enter our Dissents from that Vote and Protestation against it,*

Buckingham	*Bristol*	*Shaftsbury*
Winton	*Howard of Berks*	*Wharton*
Salisbury	*Clarendon*	*Mohun*
Denbigh	*Stamford*	*De la mer*

Which Protestation was no sooner entred and subscribed the next day, but the great Officers and Bishops raised a *storm* against the Lords that had Subscrib'd it; endeavouring not only some severe proceedings against their *persons*, if they had found the House would have born it, but also to have taken away *the very liberty of Entring Protestations with Reasons*; but that was defended with so great Ability, Learning, and Reason by the L. *Holles*, that they quitted the Attempt, and the Debate run for some hours either wholly to raze the Protestation out of the Books, or at least some part of it, the Expression of *Christian compassion to Protestant Dissenters* being that, which gave them most offence; but both these ways were so disagreeable to the honor and privileg of the House, and the Latter to common Sense and Right, that they despaired of carrying it, and contented themselves with having voted *That the Reasons given in the said Protestation, did reflect upon the Honor of the House, and were of dangerous consequence.* And I cannot here forbear to mention the *Worth, and Honor, of that Noble Lord Holles*, suitable to all his former life, that whilst the Debate was at the height, and the Protesting Lords in danger of the *Tower*; he begg'd the House to give hime leave to put his Name to that *Protest*, and take his Fortune with those Lords, because his sickness had forced him out of the House the day before, so that not being at the Question, he could not by the rules of the House Sign it. This Vote against those twelve Lords begat the next day this following *Protestation* signed by 21.

Whereas it is the undoubted priviledg of each Peer in Parliament *when a Question is past contrary to his Vote and judgment, to enter his Protestation against it, and that in pursuance thereof, the* Bill *entituled An Act to prevent the dan-*

gers which may may ariſe from perſons diſaffected to the Government, being conceived by ſome Lords to be of ſo dangerous a Nature, as that it was not fit to receive the countenance of a Committment, thoſe Lords did proteſt againſt the Commitment of the ſaid Bill, *and the Houſe having taken exceptions at ſome expreſſions in their Proteſtation; thoſe Lords who were preſent at the Debate, did all of them ſeverally and voluntarily declare, That they had not intention to reflect upon any Member, much leſs upon the whole Houſe, which, as is humbly conceived, was more then in ſtrictneſs did conſiſt with that abſolute freedom of Proteſting, which is inſeparable from every Member of this Houſe, and was done by them meerly out of their great Reſpect to the Houſe, and their earneſt deſire to give all ſatisfaction concerning themſelves, and the clearneſs of their intentions: Yet the Houſe not ſatisfied with this their Declaration but proceeding to a Vote, that the reaſons given in the ſaid Proteſtation do reflect upon the honor of the Houſe, and are of dangerous conſequence; which is in our humble Opinion, a great diſcountenancing of the very liberty of Proteſting. We whoſe Names are under Written, conceive our ſelves, and the whole Houſe of* Peers, *extreamly concerned that this great Wound ſhould be given (as we humbly apprehend) to ſo eſſential a priviledg of the whole peerage of this Realm, as their liberty of Proteſting, do now (according to our unqueſtionable Right) make uſe of the ſame liberty to enter this our Diſſent from, and Proteſtation againſt the ſaid Vote,*

Bucks	*Denbigh*	*Hallifax*	*Holles*
Winton	*Berks*	*Audley*	*De la mer*
Bedford	*Clarendon*	*Fits water*	*Grey Roll.*
Dorſet	*Aylisbury*	*Eure*	
Salisbury	*Shaftsbury*	*Wharton*	
Bridgwater	*Say & Seal*	*Mohun*	

After this Bill being committed to a Committee of the whole Houſe, the firſt thing inſiſted upon by the Lords againſt the Bill; was, that there ought to be paſſed ſome *previus Votes* to ſecure the Rights of *Peerage*, and Priviledg of *Parliament* before they entred upon the debate, or Amendments of ſuch a Bill as this; and at laſt two previous *Votes* were obtained, which I need not here ſet down, becauſe the next Proteſtation hath them both in *terminis*.

Whereas

Whereas upon the debate on the Bill *entituled An Act to prevent the Dangers which may ariſe from Perſons diſaffected to the Government*, It was ordered by the houſe of Peers the 30*th*. of *April* laſt, *that no Oath ſhould be impoſed by any* Bill, *or otherwiſe, upon the Peers with a penalty in caſe of Refuſal, to loſe their Places, or Votes in* Parliament, *or liberty to debate therein*; *and whereas alſo, upon debate of the ſame, the* Bill *was ordered the Third of this inſtant* May, *that there ſhall be nothing in this* Bill, *which ſhall extend to deprive either of the Houſes of* Parliament, *or any of their Members, of their juſt ancient Freedom, and priviledg of debating any Matter or buſineſs which ſhall be propounded, or debated in either of the ſaid Houſes, or at any Conference or Committee, of both, or either of the ſaid Houſes of* Parliament, *or touching the Repeal, or Alteration of any Old, or preparing any new Laws, or the redreſſing any publick Grievance*; *but that the ſaid Members of either of the ſaid Houſes, and the aſſiſtance of the* Houſe of Peers, *and every of them, ſhall have the ſame freedom of Speech, and all other Priviledges whatſoever, as they had before the making of this Act.*

Both which Orders were paſſed as Previous directions unto the Committee of the whole Houſe, to whom the ſaid Bill was committed, to the end that nothing ſhould remain in the ſaid Bill, which might any ways tend towards the depriving of either of the Houſes of *Parliament*, or any of their Members, of their ancient freedom of Debates, or Votes, or other their priviledges whatſoever: Yet the Houſe being pleaſed, upon the report from the Committee, to paſs a Vote, That all Perſons who have, or ſhall have Right to ſit and Vote in either Houſe of *Parliament*, ſhould be added to the firſt enacted Clauſe in the ſaid Bill, whereby an Oath is to be impoſed upon them as Members of either Houſe, which Vote *We whoſe Names are under Written being Peers of this Realm, do humbly conceive, is not agreeable to the ſaid two Previous Orders*, and it having been humbly offered, and inſiſted upon by divers of us, that the *Proviſo* in the late Act *Entituled An Act for preventing Dangers, that may happen from* Popiſh *Recuſants*; might be added to the Bill depending, *Whereby the Peerage of every Peer of this Realm, and all their Priviledges, might be preſerved in this Bill, as fully as in the ſaid late Act*: Yet the Houſe not pleaſing to admit of the ſaid Proviſo, but proceeding to the paſſing of the ſaid Vote, *We do humbly upon the Grounds aforeſaid, and according unto our undoubted Right, enter this our Diſſent from, and Proteſtation againſt the ſame.*

1828

Bucks	*Berks*	*Denbigh*	*Eure*
Bedford	*Bridgwater*	*Dorset*	*De la mer*
Winton	*Stamford*	*Shaftsbury*	*Pagitt*
Salisbury	*Clarendon*	*Wharton*	*Mohun*

This was their laſt Proteſtation; for after this they alter'd their Method, and reported not the Votes of the Committee, and parts of the Bill to the Houſe, as they paſt them, but took the ſame Order as is obſerved in other Bills, not to report unto the Houſe, untill they had gone through with the Bill, and ſo report all the Amendments together. This they thought a way of more Diſpach and which did prevent all Proteſtations, untill it came to the Houſe; for the Votes of a Committe, though of the whole Houſe, are not thought of that weight, as that there ſhould be allowed the entering a Diſſent of them, or Proteſtation againſt them.

The Bill being read over at the Committee, the Lord Keeper objected againſt the form of it, and deſired that he might put it in another Method, which was eaſily allowed him, that being not the Diſpute. But it was obſerveable the Hand of *God* was upon them in this whole Affair; their Chariot-wheels were taken off, they drew heavily: A Bill ſo long deſign'd, prepared, and of that Moment to all their Affairs, had hardly a ſenſible Compoſure.

The firſt part of the Bill that was fallen upon; was, whether there ſhould be an Oath at all in the Bill, and this was the only part the Court-Partie defended with Reaſon: for the whole Bill being to enjoyn an Oath, the Houſe might reject it, but the Committee was not to deſtroy it. Yet the *Lord Halliſax* did with that quickneſs, Learning, and Elegance, which are inſeparable from all his Diſcourſes, make appear, that as *there really was no Security to any State by Oaths*, ſo alſo, no private Perſon, much leſs States-Man, would ever order his Affairs as relying on it, no Man would ever ſleep with open Doors, or unlockt up Treaſure, or Plate, ſhould all the Town be ſworn not to Rob; So that the uſe of multiplying Oaths had been moſt commonly to Exclude, or diſturb ſome honeſt Conſciencious Men, who would never have prejudiced the Government. It was alſo inſiſted

siſted on by that Lord and others, that the Oath impoſed by the Bill, contained Three Clauſes, the two former Aſſertory, and the laſt Promiſſory, and that it was worthy the Conſideration of the Biſhops, Whether *Aſſertory Oaths*, which were properly appointed to give teſtimony of a matter of Fact, whereof a Man is capable to be fully aſſured by the evidence of his Senſes, be lawfully to be made uſe of to Confirm, or Invalidate Doctrinal Propoſitions, and whether that Legiſlative power, which impoſes ſuch an Oath, doth not neceſſarily aſſume to it ſelf an Infallibility? And, as for *Promiſſory Oaths*, It was deſired that thoſe Learned Prelates would conſider the Opinion of *Grotius de jure Belli & pacis, lib. 2. cap.* XIII. who ſeems to make it plain that thoſe kind of Oaths are forbidden by our *Saviour Chriſt, Mat.* 5. 34, 37. and whether it would not become the Fathers of the Church, when they have well weighed that and other places of the *New Teſtament*; to be more tender in multiplying Oaths, then hitherto the great Men of the Church have been? But the Biſhops carried the Point, and an Oath was ordered by the major Vote.

The next thing in Conſideration, was about the *Perſons* that ſhould be enjoyned to take this Oath; and thoſe were to be, *all ſuch as enjoyed any beneficial Office or Employment, Eccleſiaſtical, Civil, or Military*; and no farther went the Debate for ſome hours, until at laſt the Lord Keeper riſes up, and with an eloquent Oration, deſires to add *Privy Counſellors, Juſtices of the Peace*, and *Members of both Houſes*; The two former particularly mentioned only to uſher in the latter; which was ſo directly againſt the two Previous Votes, the firſt of which was enroll'd amongſt the ſtanding Orders of the Houſe, that it wanted a Man of no leſs aſſurance in his Eloquence to propoſe it, and he was driven hard, when he was forced to tell the Houſe, that they were *Maſters of their own Orders*, and Interpretation of them.

The next conſideration at the Committee was *the Oath it ſelf*, and it was deſired by the Countrey Lords, that it might be clearly known, whether it were meant all for an Oath, or ſome of it a Declaration, and ſome an Oath? If the latter, then it was deſired it might be diſtinctly parted, and that the Declaratory part ſhould be ſubſcribed by it ſelf, and not ſworn. There was no ſmall pains taken by the Lord Keeper and the Biſhops, to prove that it was brought in; the two firſt parts were only a *Declaration*, and not an *Oath*; and though it was replyed that to declare upon ones Oath, or to abhorr upon ones Oath, is the ſame thing with *I do Swear*; yet there was ſome diffi-

culty to obtain the dividing of them, and that the Declaratory part ſhould be only Subſcribed, and the reſt Sworn to.

The Perſons being determin'd, and this diviſion agreed to, the next thing was the parts of the *Declaration*, wherein the firſt was; J A. B. *do declare that it is not lawful upon any pretence whatſoever, to take up Armes againſt the King.* This was lyable to great Objections; for it was ſaid it might introduce a great change of the Government, to oblige all the Men in great Truſt in *England*, to declare that exact Boundary, and Extent, of the Oath of *Allegiance*, and inforce ſome things to be Stated, that are much better involv'd in Generals, and peradventure are not capable of another way of expreſſion, without great wrong on the one ſide, or the other. There is a Law of 25 *Edw.* 3. that Armes ſhall not be taken up againſt the *King*, and that it is Treaſon to do ſo, and it is a very juſt and reaſonable Law; but it is an idle queſtion at beſt, to ask whether Armes in any caſe can be taken up againſt a lawful Prince, becauſe it neceſſarily brings in the debate in every Man's mind, how there can be a diſtinction then left between Abſolute, and Bounded Monarchys, if *Monarchs* have only the fear of *God*, and no fear of humane Reliſtance to reſtrain them. And it was farther urged, that if the chance of humane Affairs in future Ages, ſhould give the *French King* a juſt Title and Inveſtiture in the Crown of *England*, and he ſhould avowedly own a deſign by force, to change the Religion, and make his Government here as Abſolute as in *France*, by the extirpation of the Nobility, Gentry, and principal Citizens of the *Proteſtant* Party, whether in ſuch, or like Caſes, this *Declaration* will be a Service to the Government, as it is now eſtabliſht: Nay, and it was farther ſaid, that they overthrow the Government that ſuppoſe to place any part of it above the fear of Man: For in our *Engliſh* Government, and all bounded Monarchys, where the Prince is not abſolute, there every individual Subject is under the fear of the King, and His People, either for breaking the Peace, or diſturbing the common Intereſt that every Man hath in it, or if he invades the Perſon or Right of his Prince, he invades his whole People, who have bound up in him, and derive from Him, all their Liberty, Property, and Safety: As alſo the Prince himſelf, is under the fear of breaking that Golden Chain and Connexture between Him and his People, by making his intereſt contrary to that they juſtly and righly claim: And therefore neither our Anceſtors, nor any other Country free like ours, whilſt they preſerv'd their Liberties, did ever ſuffer any *mercenary, or ſtanding Guards to their Prince,* but

but took care that his Safety ſhould be in Them, as theirs was in Him. Though theſe were the Objections to this Head, yet they were but lightly touch'd, and not fully inſiſted upon, until the debate of the ſecond Head, where the Scope of the Deſign was opened clearer, and more diſtinct to every Man's capacity.

The ſecond was, *And that I do abhorr that Trayterous Poſition of taking Armes by His Authority againſt His perſon.* To this was objected, That if this be meant an Explanation of the Oath of Allegiance to leave men without pretenſe to oppoſe where the individual perſon of the King is, then it was to be conſidered, that the propoſition as it is here ſet down is univerſal, and yet in moſt caſes the poſition is not to be abhorred by honeſt or wiſe men: For there is but one caſe, and that never like to happen again, where this poſition is in danger to be Trayterous, which was the Caſe of the *Long Parliament*, made perpetual by the King's own Act, by which the Government was perfectly altered, and made inconſiſtent with its ſelf; but it is to be ſuppoſed the Crown hath ſufficient warning, and full power to prevent the falling again into that danger. But the other caſes are many, and ſuch as may every day occurr, wherein this poſition is ſo far from Traiterous, that it would prove both neceſſary and our duty. The *Famous inſtance* of *Hen.* 6. who being a ſoft and weak Prince, when taken Priſoner by his Couſin *Edward* 4. that pretended to the Crown, and the great Earl of *Warwick*, was carryed in their Armies, gave what orders and Commiſſions they pleaſed, and yet all thoſe that were Loyal to him adhered to his Wife and Son, fought in a pitcht battel againſt him in perſon, and retook him: This was directly taking up Armes by His Authority againſt his perſon, and againſt thoſe that were Commiſſion'd by Him, and yet to this day no Man hath ever blamed them, or thought but that, if they had done other, they had betray'd their Prince. The great Caſe of *Charles* 6. *of France*, who being of a weak and crazie Brain, yet govern'd by himſelf, or rather by his Wife, a Woman of paſſionate, and heady humour, that hated her Son the *Dolphin*, a vigorous and brave Prince, and paſſionately loved her Daughter; ſo that She eaſily (being preſſed by the Victory of *Hen.* 5. *of England*) comply'd to ſettle the Crown of *France* upon Him, to marry her Daughter to Him, and own his Right, contrary to the Salique Law. This was directly oppoſed with Armes and Force by the *Dolphin*, and all good *French Men*, even in his Father's life time. A third inſtance is that of *King James* of bleſſed Memory, who when he was a Child, was ſeized, and taken Priſoner by thoſe, who were juſtly thought no friends to His

Crown or Safety, and if the caſe ſhould be put, that a future *King of England* of the ſame temper with *Hen.* 6. or *Charl.* 6. of *France*, ſhould be taken priſoner by *Spaniard*, *Dutch*, or *French*, whoſe overgrowing power ſhould give them thoughts of vaſt Empire, and ſhould, with the perſon and commiſſion of the King, invade *England* for a Conqueſt, were it not ſuitable to our Loyalty to joyn with the Son of that King, for the defence of His Fathers Crown and Dignity, even againſt his Perſon and Commiſſion? In all theſe and the like Caſes it was not juſtified, but that the ſtrict Letter of the Law might be otherwiſe conſtrued, and when wiſely conſiderd, ſo it ſhould be ſo, yet that it was not ſafe either for the Kingdom, or perſon of the King and His Crown, that it ſhould be in expreſs words *Sworn againſt*, for if we ſhall forſwear all Diſtinctions, which ill Men have made ill uſe of, either in *Rebellion*, or *Hereſy*, we muſt extend the Oath to all the Particulars of Divinity, and Politiques. To this the aged Biſhop of *Winchester* reply'd, That *to take up Armes in ſuch caſes, is not againſt, but for the perſon of the King:* But his Lordſhip was told that he might then as well, nay much better, have let it upon the Old Oath of *Allegiance*, then made ſuch a wide gapp in his new *Declaration*.

The third and laſt part of the Declaration was *or againſt thoſe that are Commiſſioned by him.* Here the maſk was plainly pluckt off, and *Arbitrary Government* appear'd bare-faced, and a *ſtanding Army* to be eſtabliſhed by Act of Parliament, for it was ſaid by ſeveral of the Lords, That *if whatever is by the Kings Commiſſion, be not oppoſed by the King's Authority, then a ſtanding Army is Law when ever the King pleaſes*; and yet the King's Commiſſion was never thought ſufficient to Protect, or juſtify any man, where it is againſt his Authority, which is the Law; this allowed alters the whole Law of *England*, in the moſt eſſential and Fundamental parts of it, and makes the whole Law of *property* to become *Arbitrary*, and without effect, whenever the King pleaſes.

For inſtance, if in a Suit with a great Favourite, a man recovers Houſe and Lands, and by courſe of Law be put into Poſſeſſion by the Sheriff, and afterwards a Warrant is obtain'd by the intereſt of the perſon, to command ſome Souldiers of the ſtanding Army to take the poſſeſſion and deliver it back, in ſuch a caſe, the man in Poſſeſſion may juſtify to defend himſelf, and killing thoſe who ſhall violently endeavour to enter his houſe, the party, whoſe houſe is invaded, takes up Armes by the King's Authority againſt thoſe, who are Commiſſioned by him. And it is the ſame caſe, if the Souldiers had been Commiſſioned to defend the Houſe againſt the Sheriff, when he firſt endeavored to take the poſſeſſion.

poſſeſſion according to Law, neither could any Order, or Commiſſion of the King's, put a ſtop to the Sheriff, if he had done his duty in raiſing the whole force of that County to put the Law in execution; neither can the Court, from whom that Order proceeds, (if they obſerve their oaths, and duty) put any ſtop to the execution of the Law in ſuch a caſe, by any command or commiſſion from the King whatſoever; Nay, all the Guards, and ſtanding forces in *England*, cannot be ſecured by any Commiſſion from being a direct Riot, and unlawful Aſſembly, unleſs in time of open War and Rebellion: And it is not out of the way to ſuppoſe, that if any King hereafter, ſhall contrary to *the petition of Right*, demand, and levie Money by Privy-Seal, or otherwiſe, and cauſe Souldiers to enter, and diſtrain for ſuch like illegall Taxes, that in ſuch a caſe any Man may by Law defend his houſe againſt them; and yet this is of the ſame nature with the former, and againſt the words of the Declaration. Theſe inſtances may ſeem ſomwhat rough, and not with the uſual *reverence* towards the Crown, but they alleadged, they were to be excuſed, when all was concerned, And without ſpeaking thus plain, it is refuſed to be underſtood; and, however happy we are now, either in the preſent Prince, or thoſe we have in proſpect, yet the ſuppoſitions are not extravagant, when we conſider, Kings are but Men, and compaſſed with more temptations then others; And, as the Earl of *Saliſbury*, who ſtood like a Rock of Nobility, and *Engliſh* Principles, excellently replyed to the Lord Keeper, who was pleaſed to term them *remote Inſtances*, that they would not hereafter prove ſo, when this Declaration had made the practiſe of them Juſtifiable.

Theſe Arguments enforced the Lords for the Bill to a change of this part of the *Declaration*, ſo that they agreed the ſecond, and third parts of it, ſhould run thus; *And I do abhorr that Trayterous poſition of taking Armes againſt by His Authority, againſt his Perſon, or againſt thoſe, that are commiſſioned by Him according to Law, in time of Rebellion, or War, acting in purſuance of ſuch Commiſſion.* Which mends the matter very little; for if they mean the King's Authority, and his lawful Commiſſion, to be two things, and ſuch as are capable of Oppoſition, then it is as dangerous to are the Liberties of the Nation, as when it run in the former words, and we only cheated by new Phraſing of it: But if they underſtand them to be one and the ſame thing, as really and truly they are, then we are only to abhorr the Treaſon of the poſition of taking Armes by the King's Authority againſt the King's Authority, becauſe it is Non-ſenſe, and

not practicable; and so they had done little but confest, that all the Clergy and many other Persons, have been forced by former Acts of this present *Parliament*, to make this Declaration in other words, that now are found so far from being Justifiable, that they are directly contrary to *Magna Charta* our Properties, and the Establish'd Law and Government of the Nation.

The next thing in course was, the Oath it self, against which the Objection lay so plain, and so strong at the first entrance, *Viz.* That *there was no care taken of the Doctrine, but only the Discipline of the Church.* The Papists need not scruple the taking this Oath; for Episcopacy remains in its greatest Lustre, though the Popish Religion was introduced, but the King's Supremacy is justled aside by this Oath, and makes better room for an *Ecclesiastical One*, in so much that with this, and much more, they were inforced to change their Oath, and the next day bring it in as followeth. *I do swear that I will not endeavour to alter the Protestant Religion or the Government either of Church or State.* By this they thought they had salved all, and now began to call their Oath *A Security for the Protestant Religion, and the only good design to prevent Popery*, if we should have a Popish Prince. But the Countrey Lords wondred at their confidence in this, since they had never thought of it before, and had been but the last preceeding day of the Debate by *pure Shame* compell'd to to this Addition; for it was not unknown to them, that some of the *Bishops* themselves had told some of the *Roman Catholick Lords* of the House, that *care had been taken that it might be such an Oath, as might not bear upon them.* But let it be whatever they would have it, yet the Countrey Lords thought the addition was unreasonable, and of as dangerous consequence as the rest of the Oath. And it was not to be wondred at, if the addition of the best things, wanting the Authority of an express divine Institution, should make an Oath *not to endeavor to alter*, just so much worse by the addition. For as the Earl of *Shaftsbury* very well urg'd, that it is a far different thing to believe, or to be fully perswaded of the truth of the Doctrine of Our Church; and to swear *never to endeavor to alter*; which last, must be utterly unlawful, unless you place an *Infallibility* either in the Church, or Your Self, you being otherwise obliged to alter, when ever a clearer, or better light comes to you; and he desir'd leave to ask, where are the Boundaries, or where shall we find, how much is meant by the *Protestant Religion.* The Lord Keeper thinking he had now got an advantage, with his usual Eloquence, desires it might not be told in *Gath*, nor published in the Streets of *Askalon*, that a Lord of so greats Parts, and

(1835

ſeſſing himſelf for the Church of *England*, ſhould not know what is meant by the *Proteſtant* Religion. This was ſeconded with great pleaſantneſs by Divers of the Lords the Biſhops; but the Biſhop of *Winchester*, and ſome others of them were pleaſed to condeſcend to inſtruct that Lord, that the *Proteſtant* Religion was comprehended in 39 *Articles*, the *Liturgie*, the *Catechiſme*, the *Homilies*, and the *Canons*. To this the Earl of *Shaftsbury* replied, that he begg'd ſo much Charity of them to believe, that he knew the *Proteſtant* Religion ſo well, and was ſo confirmed in it, that he hoped he ſhould *burn* for the witneſs of it, if Providence ſhould call him to it: But he might perhaps think ſome things *not neceſſary*, that they accounted *Eſſential*, nay he might think ſome things *not true*, or agreeable to the Scripture, that they might call *Doctrines of the Church*: Beſides when he was to ſwear *never to endeavor to alter*, it was certainly neceſſary to know *how far the juſt extent of this Oath was*; but ſince they had told him that the Proteſtant Religion was in thoſe 5 *tracts*, he had ſtill to ask, whether they meant thoſe whole Tracts were the *Proteſtant* Religion, or only that the Proteſtant Religion was contained in all thoſe, but that every part of theſe was not the Proteſtant Religion. If they meant the former of theſe then he was extreamly in the dark to find the Doctrine of *Predeſtination* in the 18. *and* 17. *Art.* to be owned by ſo few great Doctors of the Church, and to find the 19. *Art.* to define *the Church* directly as the *Independents* do: Beſides the 20. *Art.* ſtating the Authority of the Church is very dark, and either contradicts it ſelf, or ſays nothing, or what is contrary to the known Laws of the Land; beſides ſeveral other things, in the 39 *Articles*, have been Preached, and Writ againſt by Men of great Favor, Power, and Preferment in the Church. He humbly conceived the *Liturgie* was not ſo ſacred, being made by Men the other day, and thought to be more differing from the diſſenting *Proteſtants*, and leſs eaſy to be complyd with, upon the advantage of a pretenſe well known unto us all, of making *alterations* as might the better *unite* us; in ſtead whereof, there is ſcarce one alteration, but *widens* the breach, and no *ordination* allowd by it here, (as it now ſtands laſt reformed in the *Act of Uniformity*) but what is *Epiſcopall*; in ſo much that a *Popiſh Prieſt* is capable, when converted, of any Church preferment without *Reordination*; but no *Proteſtant Miniſter* not Epiſcopally ordain'd, but is required to be reordain'd, as much as in us lies *unchurching* all the *forreign Proteſtants*, that have not Biſhops, though the contrary was both allow'd, and practis'd from the beginning of the Reformation till the time of that Act, and ſeveral Biſhops made of

ſuch, as were never ordain'd Prieſts by Biſhops. Moreover the *Unharitableneſs* of it was ſo much againſt the Intereſt of the *Crown, and Church of England* (caſting off the dependency of the whole Proteſtant partie abroad) that it would have been *bought* by the *Pope* and *French King* at a vaſt ſumm of Money; and it is difficult to conceive ſo great an advantage fell to them meerly by chance, and without their help; ſo that he thought to endeavor to alter, and reſtore the Liturgy to what it was in *Queen Elizabeths* days might conſiſt with his being a very good Proteſtant.

As to the *Catachiſme*, he really thought it might be mended, and durſt declare to them, it was not well that there was not a better made.

For the *Homilies* he thought there might be a better Book made, and the 3. *Hom.* of *Repairing* and *keeping clean of Churches*, might be omitted.

What is yet ſtranger then all this, The *Canons* of our Church are directly the *old Popiſh Canons*, which are ſtill in force, and no other; which will appear, if you turn to the *Stat.* 25. *Hen.* 8. *cap.* 19 confirmed and received by 1. *Eliz.* where all thoſe Canons are eſtabliſh'd, untill an alteration ſhould be made by the King in purſuance of that Act; which thing was attempted by *Edward the 6th.* but not perfected, and let alone ever ſince, for what reaſons the Lords the Biſhops could beſt tell; and it was very hard to be obliged by Oath *not to endeavour to alter* either the Engliſh Common-Prayer book, or the Canon of the Maſs. But if they meant the latter, *That the Proteſtant Religion is contein'd in all thoſe, but that every part of thoſe is not the Proteſtant Religion*, then he apprehended it might be in the Biſhops Power to declare *ex poſt facto* what is the Proteſtant Religion or not, or elſe they muſt leave it to every man to judge for himſelf, what parts of thoſe books are or are not, and then their Oath had been much better let alone. Much of this nature was ſaid by that Lord, and Others, and the great Officers, and Biſhops were ſo hard put to it, that they ſeemed willing, and convinced to admit of *an Expedient*. The *Lord Wharton* an Old and Expert Parliament Man of eminent Piety and Abilities, beſide a great Friend to the Proteſtant Religion, and Intereſt of *England*, offer'd as a cure to the whole Oath, and what might make it paſs in all the 3 parts of it, without any farther debate, the addition of theſe words at the latter end of the Oath, *Viz.*

as

(1834

as the ſame is or ſhall be eſtabliſh'd by Act of Parliament, but this was not endured at all, when the Lord *Grey* of *Rollſton*, a worthy and true *Engliſh* Lord, offered another Expedient, which was the addition of words, *by force or fraud*, to the beginning of the Oath, and then it would run thus, *I do ſwear not to endeavor by force or fraud to alter*; this was alſo a *cure* that would have paſſed the whole Oath, and ſeemed as if it would have carried the whole Houſe The Duke of *York* and Biſhop of *Rocheſter* both ſecond ng it; but the Lord Treaſurer, who had privately before conſented to it, ſpeaking againſt it, gave the word and ſign to that party, and it being put to the queſtion, the major Vote anſwered all arguments, and the L. *Grey*'s Propoſition was laid aſide.

Having thus carried the queſtion, relying upon their ſtrength of Votes, taking advantage that thoſe expedients that had been offered, extended to the whole Oath, though but one of the 3 Clauſes in the Oath had been debated, the other two not mentioned at all, they attempted ſtrongly at nine of the Clock at night to have the whole Oath put to the queſtion, and though it was reſolutely oppoſed by the Lord *Mohun*, a Lord of great *courage*, and *reſolution* in the Publick Intereſt, and one whoſe own perſonal merits, as well as his Fathers, gave him a juſt title to the beſt favors of the Court; yet they were not diverted but by as great a diſorder as ever was ſeen in that Houſe proceeding from the rage thoſe unreaſonable proceedings had cauſed in the Country Lords, they ſtanding up in a clump together, and crying out with ſo loud a continued Voice *Adjourn*, that when ſilence was obtain'd, Fear did what Reaſon could not do, cauſe the queſtion to be put only upon the firſt Clauſe concerning *Proteſtant Religion*, to which the Biſhops deſired might be added, *as it is now eſtabliſhed*, and one of the eminenteſt of thoſe were for the Bill added the words *by Law*; ſo that, as it was paſſed, it ran, *I A. B. do ſwear that I will not endeavor to alter the Proteſtant Religion now by Law eſtabliſhed in the Church of England.* And here obſerve the words *by Law* do directly take in the *Canons* though the Biſhops had never mentioned them. And now comes the conſideration of the latter part of the Oath which comprehends theſe 2 Clauſes, viz. *nor the Government either in Church or State*, wherein the Church came firſt to be conſiderd. And it was objected by the Lords againſt the Bill that it was

not agreeable to the King's Crown and Dignity, to have His Subjects ſworn to the Government of the Church equally as to Himſelf; That for the Kings of *England* to ſwear to maintain the Church, was a diffe,ent thing from enjoyning all His Officers, and both His Houſes of Parliament to ſwear to them. It would be well underſtood, before the Bill paſſed, what the *Government of the Church* (we are to ſwear to) is, and what the *Boundaries* of it, whether it derives no Power, nor Authority, nor the exerciſe of any Power, Authority, or Function, but from the *King as head of the Church*, and from *God* as through him, as all his other Officers do?

For no Church or Religion can juſtify it ſelf to the Government, but the *State Religion*, that ownes an entire dependency on, and is but a branch of it; or the *independent Congregations*; whileſt they claim no other power, but the excluſion of their own members from their particular Communion, and endeavor not to ſet up a Kingdom of Chriſt to their own uſe in this World, whileſt our Saviour hath told us, that His Kingdom is not of it; for otherwiſe there would be *Imperium in imperio*, and two diſtinct Supream Powers inconſiſtent with each other, in the ſame place, and over the ſame perſons. The Biſhops alledged that *Prieſthood* and the *Power* thereof, and the *Authorities* belonging thereunto were derived immediately from *Chriſt*, but that the *licenſe of exerciſing that Authority* and Power in any Country is derived from the *civil Magiſtrate*: To which was replied, that it was *a dangerous thing to ſecure by Oath, and Act of Parliament thoſe in the exerciſe of an Authority, and power in the King's Country, and over His Subjects, which being received from Chriſt himſelf, cannot be altered, or limitted by the King's Laws*; and that this was directly to ſet the *Mitre above the Crown*. And it was farther offered, that *this Oath was the greateſt attempt that had been made againſt the King's Supremacy ſince the Reformation*; for the King in Parliament may alter, diminiſh, enlarge, or take away any Biſhoprick; He may take any part of a Dioceſs, or a whole Dioceſs, and put them under Deans, or other Perſons; for if this be not lawful, but that Epiſcopacy ſhould be *jure divino*, the maintaining the Government: as it is now, is unlawful; ſince the Deans of *Hereford*, and *Salisbury*, have very large tracts under their juriſdiction, and ſeveral Parſons of Pariſhes have Epiſcopal juriſdiction, ſo that at beſt that Government

(1839

vernment wants alteration, that is ſo imperfectly ſettled. The Biſhop of *Wincheſter* affirmed in this debate ſeveral times, that there was no Chriſtian Church before *Calvin* that had not Biſhops; to which he was anſwered that the *Albigenſes* a very numerous People, and the only viſible known Church of true beleivers, of ſome Ages, had no Biſhops. It is very true, what the Biſhop of *Wincheſter* replyd, that they had ſome amongſt them, who alone had power to ordain, but that was only to commit that power to the Wiſeſt, and Graveſt Men amongſt Them, and to ſecure ill, and unfit Men from being admitted into the Miniſtery; but they exercis'd no juriſdiction over the others. And it was ſaid by divers of the Lords, that they thought Epiſcopal Government beſt for the Church, and moſt ſuitable for the Monarchy, but they muſt ſay with the Lord of *Southampton* upon the occaſion of this Oath in the Parliament of *Oxford*, *I will not be ſworn not to take away Epiſcopacie*, there being nothing, that is not of Divine Precept, but ſuch circumſtances may come in humane affairs, as may render it not Eligible by the beſt of Men. And it was alſo ſaid, that *if Epiſcopacy be to be received as by Divine Precept, the King's Supremacy is overthrown*, and ſo is alſo the opinion of the Parliaments both in *Edw.* 6. and *Queen Elizabeths* time; and the conſtitution of our Church ought to be altered, as hath been ſhewd. But the Church of *Rome* it ſelf hath contradicted that Opinion, when She hath made ſuch vaſt tracts of ground, and great numbers of Men exempt from Epiſcopal juriſdiction. The Lord *Wharton* upon the Biſhops claim to a Divine Right, asked a very hard queſtion, *viz. whether they then did not claim withall, a power of Excommunicating their Prince*, which they Evading to anſwer, and being preſs'd by ſome other Lords, ſaid they never had done it. Upon which the Lord *Halliſax* told them that that might well be; for ſince the Reformation they had hitherto had too great a dependance on the Crown to venture on that, or any other Offence to it: and ſo the debate paſſed on to the third Clauſe, which had the ſame exceptions againſt it with the two former, of being unbounded How far any Man might meddle, and how far not, and is of that extent, that it *overthrew all Parliaments*, and left them capable of nothing but giving Money. For what is the buſineſs of Parliaments but the alteration, either by adding, or taking away ſome part of the Government, either in Church or State? and every new Act of Parliament is an alteration; and what kind of Government

in Church and State muſt that be, which I muſt ſwear upon no alteration of Time, emergencie of Affairs, nor variation of humane Things, never to endeavor to alter? Would it not be requiſite that ſuch a Government ſhould be given by God himſelf, and that withall the Ceremonie of Thunder, and Lightening, and viſible appearance to the whole People, which God vouchſafed to the Children of *Iſrael* at Mount *Sinai*? and yet you ſhall no where read that they were ſworn to it by any oath like this: nay on the Contrary, the Princes and the Rulers, even thoſe recorded for the beſt of them, did make ſeveral variations. The Lord *Stafford*, a Noble Man of great Honor and Candour, but who had been all along for the Bill, yet was ſo far convinced with the debate, that he freely declared, there ought to be an addition to the Oath, for preſerving the freedom of debates in Parliament. This was ſtrongly urged by the never to be forgotten, Earl of *Bridgwater*, who gave reputation, and ſtrength to this *Cauſe of England*; as did alſo thoſe worthy Earls *Denbigh*, *Clarendon*, and *Aylisbury*, Men of great Worth and Honor. To Salve all that was ſaid by theſe, and the Other Lords, The Lord Keeper and the Biſhops urged, that there was a Proviſo, which fully preſerved the Priviledges of Parliament, and upon farther enquiry there appearing no ſuch, but only a Previous vote, as is before mention'd, they allow'd that that Previous vote ſhould be drawn into a *Proviſo*, and added to the Bill, and then in their opinion the Exception to the Oath for this cauſe was perfectly removed; but on the other ſide it was offered, that a poſitive abſolute Oath being taken, a Proviſo in the Act could not diſpence with it without ſome reference in the body of the Oath, unto that Proviſo; but this alſo was utterly denied, untill the next day, the debate going on upon other matters, the Lord Treaſurer, whoſe authority eaſily obtained with the major Vote, reaſſumed what was mentioned in the Debates of the proceeding days, and allow'd a reference to the Proviſo; ſo that it then paſt in theſe words, *I A. B. do ſwear that I will not endeavor to alter the Proteſtant Religion now by Law Eſtabliſht in the Church of England, nor the Government of this Kingdom in Church, or State, as it is now by Law eſtabliſhed, and I do take this Oath according to the meaning of this Act and the Proviſo contain'd in the ſame, ſo help me God.*

There

(1841

There was a paſſage of the very greateſt obſervation in the whole debate, and which with moſt clearneſs ſhewd what the great Men and Biſhops aimed at, and ſhould in order have come in before, but that it deſerved ſo particular a conſideration, that I thought beſt to place it here by it ſelf, which was, that upon paſſing of the Proviſo for preſerving the Rights, and Priviledges of Parliaments made out of the Previous Votes, It was excellently obſerv'd by the Earl of *Bullingbrook*, a Man of great Abilitie, and Learning in the Laws of the Land, and perfectly ſtedfaſt in all good *Engliſh* Principles, that *though that Proviſo did preſerve the freedom of Debates and Votes in Parliament, yet the Oath remain'd notwithſtanding that Proviſo* upon all Men, that ſhall take as a prohibition either by Speech, or Writing, or Addreſs, to endeavor any alteration in Religion, Church, or State; nay alſo upon the *Members* of *both Houſes* otherwiſe then as they ſpeak, and vote in open Parliaments or Committees: for this Oath takes away all *private Converſe* upon any ſuch affairs even one with another. This was ſeconded by the Lord *De la mer*, whoſe Name is well known, as alſo his Worth, Piety, and Learning; I ſhould mention his great Merits too, but I know not whether that be lawful, they lying yet unrewarded. The Lord *Shaftsbury* preſently drew up ſome words for preſerving the ſame Rights, Priviledges, and Freedoms, which Men now enjoy by the Laws eſtabliſhed, that ſo by a ſide Wind we might not be deprived of the great Liberty we enjoy as *Engliſh Men*, and deſired thoſe words might be inſerted in that Proviſo before it paſt. This was ſeconded by many of the forementioned Lords, and preſt upon thoſe terms, that they deſired not to countenance, or make in the leaſt degree any thing lawful, that was not already ſo, but that they might not be deprived by this dark way of proceeding of that Liberty was neceſſary to them as Men, and without which Parliaments would be renderd uſeleſs. Upon this all the great Officers ſhowd themſelves, nay the D. of *Lauderdail* himſelf, though under the Load of two Addreſſes, opened his mouth, and together with the Lord Keeper, and the Lord Treaſurer, told the Committee in plain terms, that they intended, and deſign'd to prevent Caballing, and conſpiracies againſt the Government that they knew no reaſon why any of the King's Officers ſhould conſult

with Parliament Men about Parliament buſineſs, and particularly mention'd thoſe of the Armie, Treaſury, and Navy; and when it was Objected to them, that the greateſt part of the moſt knowing Gentry were either Juſtices of the Peace, or of the Militia, and that this took away all converſe, or diſcourſe of any alteration, which was in truth of any buſineſs in Parliament, and that the Officers of the Navy, and Treaſury, might be beſt able to adviſe what ſhould be fit in many caſes; and that withall none of their Lordſhips did offer any thing to ſalve the inconvenience of Parliament Men being deprived of diſcourſing one with another, upon the matters that were before them. Beſides it muſt be again remembred, that nothing was herein deſired to be countenanced, or made lawful, but to preſerve that that is already Law, and avowedly juſtified by it; For without this addition to the Proviſo, the Oath renderd Parliaments but a *Snare* not a *Security* to the People; Yet to all this was anſwerd ſometimes with paſſion, and high words, ſometimes with Jeſts, and Raillery (the beſt they had) and at the laſt the major Vote anſwered all objections, and laid a ſide the addition tendered.

There was another thing before the finiſhing of the Oath, which I ſhall here alſo mention, which was an *additional Oath* tendered by the Marqueſs of *Wincheſter*, who ought to have been mentioned in the firſt, and chiefeſt place for his conduct, and ſupport in the whole debate, being an expert Parliament Man, and one whoſe Quallity, Parts, and Fortune, and owning of good Principles, concurr to give him one of the greateſt places in the eſteem of good Men. The additional Oath tenderd, was as followeth, *I do ſwear that I will never by Threats, Injunctions, Promiſes, Advantages, or Invitation, by or from any perſon whatſoever, nor from the hopes, or proſpect of any Gift, Place, Office, or Benefit whatſoever, give my Vote other then according to my Opinion and Conſcience, as I ſhall be truly, and really perſuaded upon the debate of any buſineſs in Parliament; ſo help me God.*

This

This Oath was offerd upon the occaſion of ſwearing Members of Parliament, and upon this ſcore only, that if any new Oath was thought fit (which that Noble Lord declared his own Judgment perfectly againſt) this certainly was (all conſiderations, and circumſtances taken in) moſt neceſſary to be a part, and the nature of it was not ſo ſtrange if they conſiderd the *Judges* Oath, which was not much different from this. To this the Lord Keeper ſeemed very averſe, and declared in a very fine Speech, that it was an *Uſeleſs Oath*; for all Gifts, Places, and Offices, were likelyeſt to come from the King, and no Member of Parliament in either Houſe, could do too much for the King, or be too much of His ſide, and that Men might lawfully, and worthily, have in their Proſpect, ſuch Offices, or Benefits from Him. With this the Lords againſt the Bill, were in no tearms ſatisfied, but plainly ſpoke out *that Men had been, might, and were likely to be, in either Houſe, too much for the King, as they call'd it*, and that whoever did endeavour to give more power to the King, then the Law and conſtitution of the Government had given, eſpecially if it tended to the Introducing an *Abſolute* and *Arbitrary* Government might juſtly be ſaid to do too much for the King, and to be corrupted in his judgment by the proſpect of advantages, and rewards; Though, when it is conſidered that every deviation of the Crown towards Abſolute power, leſſens the King in the love, and affection of his People, makeing Him become leſs their Intereſt, A wiſe Prince will not think it a Service done Him.

And now remains only the laſt part of the Bill, which is the the penalty different according to the quallifications of the Perſons *All that are, or ſhall be Privy Counſellors, Juſtices of the Peace, or poſſeſſors of any beneficial Office, Eccleſiaſtical, Civill, or Military, are to take the Oath when ſummoned, upon pain of* 500 l. *and being made uncapable of bearing Office, the Members of both Houſes are not made uncapable, but lyable to the penalty of* 500 *l. if they take it not.* Upon all which the conſiderations of the Debate were, That thoſe Officers, and

Members of both Houſes are of all the Nation the moſt dangerous to be ſworn into a miſtake, or change of the Government, and that, as to the Members of both Houſes, the penalty of 500 *l.* was directly againſt the latter of the 2. Previous Votes, and although they had not applied the penalty of Incapacity unto the Members of both Houſes, becauſe of the firſt Previous Vote in the Caſe of the Lords, neither durſt they admit of a Propoſition made by ſome of themſelves, *that thoſe that did not come up, and Sit as Members, ſhould be lyable to the taking the Oath, or penalty, unttll they did ſo*: Yet their Ends were not to be compaſſed without invading the latter Previous Vote, and contrary to the Rights and Priviledges of *Parliament* enforce them to ſwear, or pay 500 *l.* every Parliament, and this they carried through with ſo ſtrong a Reſolution, that having experienced their misfortunes in replys for ſeveral hours, not one of the party could be provoked to ſpeak one word. Though, beſides the former arguments, it was ſtrongly urged, that this Oath ought to be put upon Officers with a heavier penalty then the *Teſt* was in the Act of the immediate preceding Seſſion againſt the *Papiſts*, by which any Man might ſit down with the loſs of his Office, without being in the danger of the penalty of 500 *l.* and alſo that this Act had a direct retroſpect (which ought never to be in Penall Laws) for this Act puniſhes Men for having an Office without taking this Oath, which office, before this Law paſs, they may now lawfully enjoy without it. Yet notwithſtanding it provides not a power, in many caſes, for them to part with it, before this Oath overtake them; For the clauſe *whoever is in Office the 1. September* will not relieve a Juſtice of the Peace, who, being once Sworn, is not in his own power to be left out of commiſſion; and ſo might be inſtanced in ſeveral other caſes; as alſo the members of the Houſe of Commons were not in their own power to be unchoſen; and as to the Lords, they were ſubjected by it to the meaneſt condition of Mankind, if they could not enjoy their Birthright, without playing Tricks ſutable to the Humour of every Age, and be enforced to ſwear to every fancie of the preſent times. Three years ago it was *All Liberty and Indulgence*, and now it is *Strict and Rigid Conformity* and what it may be, in ſome

ſhort

ſhort time hereafter, without the Spirit of Propheſying might be ſhrewdly gueſt by a conſidering Man. This being anſwerd with ſilence, the Duke of *Buckingham*, whoſe Quality, admirable Wit, and unuſual pains, that he took all along in the debate againſt this Bill, makes me mention Him in this laſt place, as General of the partie, and coming laſt out of the Field, made a Speech late at night of Eloquent, and well placed Non-ſenſe, ſhowing how excellently well he could do both ways, and hoping that might do, when Senſe (which he often before uſed with the higheſt advantage of Wit, and Reaſon) would not; but the Earl of *Winchilſea* readily apprehending the Dialect, in a ſhort reply, put an end to the Debate, and the major Vote *ultima ratio Senatuum, & Conciliorum*, carried the Queſtion as the Court, and Biſhops would have it.

This was the *laſt Act* of this *Tragi-Comedy*, which had taken up ſixteen or ſeventeen whole days debate, the Houſe ſitting many times till eight or nine of the Clock at night, and ſometimes till Midnight; but the buſineſs of *priviledg* between the two Houſes gave ſuch an interruption, that this Bill was never reported from the Committee to the Houſe.

I have mention'd to You divers Lords, that were Speakers, as it fell in the Debate, but I have not diſtributed the Arguments of the debate to every particular Lord. Now you know the Speakers, your curioſity may be ſatisfied, and the Lords I am ſure will not quarrel about the diviſion. I muſt not forget to mention thoſe great Lords, *Bedford*, *Devonſhire*, and *Burlington*, for the Countenance and ſupport they gave to the *Engliſh* Intereſt. The Earl of *Bedford* was ſo brave in it, that he joyn'd in three of the Proteſts; So alſo did the Earl of *Dorſet*, and the Earl of *Stamford*, a Young Noble Man of great hopes, The Lord *Eure*, the Lord *Viſcount Say and Seal*, and the Lord *Pagitt* in two; the Lord *Audley* and the Lord *Fitzwater* in the 3*d*. and the Lord *Peter*, a Noble Man of great Eſtate, and always true to the maintenance of Liberty, and Property in the firſt. And I ſhould not have omitted the Earl of *Dorſet*, Lord *Audley*, and the Lord *Peter* amongſt the Speakers: for I will aſſure you they did their parts excellently well. The Lord *Viſcount Hereford* was a ſteady Man among the Countrey

Lords; ſo alſo was the Lord *Townſend*, a Man juſtly of great Eſteem, and power in his own countrey, and amongſt all thoſe that well know him. The Earl of *Carnarvon* ought not to be mention'd in the laſt place, for he came out of the Countrey on purpoſe to oppoſe the Bill, ſtuck very faſt to the Countrey partie, and ſpoke many excellent things againſt it. I dare not mention the *Roman Catholick* Lords, and ſome others, for fear I hurt them; but thus much I ſhall ſay of the *Roman Catholick* Peers, that if they were ſafe in their Eſtates, and yet kept out of Office, their Votes in that Houſe would not be the moſt unſafe to *England* of any ſort of Men in it. As for the abſent Lords, the Earl of *Rutland*, Lord *Sandys*, Lord *Herbert* of *Cherbury*, Lord *North*, and Lord *Crew*, ought to be mentiond with Honor, having taken care their Votes ſhould maintain their own intereſt, and opinions; but the Earls of *Exceter*, and *Cheſterfield*, that gave no proxies this Seſſions, the Lord *Montague* of *Boughton*, that gave his to the Treaſurer, and the Lord *Roberts* his to the Earl of *Northampton*, are not eaſily to be underſtood. If you ask after the Earl of *Carliſle*, the Lord *Viſcount Falconbridge*, and the Lord *Berkely* of *Berkley* Caſtle, becauſe you find them not mentioned amongſt their old Friends, all I have to ſay, is, That the Earl of *Carliſle* ſtept aſide to receive his Pention, the Lord *Berkely* to dine with the Lord Treaſurer, but the Lord *Viſcount Falconberg*, like the Noble Man in the Goſpel, went away ſorrowfull, for he had a Great Office at Court; but I deſpair not of giving you a better account of them next Seſſions, for it is not poſſible when they conſider that *Cromwell*'s Major General, Son in law, and Friend, ſhould think to find their Accounts amongſt Men that ſet up on ſuch a bottom.

Thus Sir, You ſee the Standard of the *new Partie* is not yet ſet up, but muſt be the work of another Seſſion, though it be admirable to me, how the *King* can be enduced to venture His Affairs upon ſuch *weak Counſels*, and *of ſo fatal conſequences*; for I believe it is the firſt time in the World, that ever it was thought adviſeable, after fifteen years of the higheſt Peace, Quiet, and Obedience, that ever was in any Countrey, that there ſhould be a *pretenſe* taken up, and a reviving of former miſcarriages, eſpecially after ſo many Promiſes, and Declarations, as well as Acts of Oblivion, and ſo much merit

merit of the Offending partie, in being the Inſtruments of the King's Happy Return, beſides the putting ſo vaſt a number of the King's Subjects in utter deſpair of having their crimes ever forgotten; and it muſt be a great Miſtake in Counſels, or worſe, that there ſhould be ſo much pains taken by the Court to debaſe, and bring low the Houſe of Peers, if a *Military Government* be not intended by ſome. For the Power of *Peerage*, and a *ſtanding Army* are like two Buckets, the proportion that one goes down, the other exactly goes up; and I refer you to the conſideration of all the Hiſtories of ours, or any of our neighbor Northern Monarchies, whether ſtanding forces Military, and Arbitrary government, came not plainly in by the ſame ſteps, that the Nobility were leſſened; and whether when ever they were in Power, and Greatneſs, they permitted the leaſt ſhadow of any of them: Our own Countrey is a clear inſtance of it; For though the *White Roſe* and the *Red* chang'd fortunes often to the ruine, ſlaughter and beheading of the great Men of the other ſide; yet nothing could enforce them to ſecure themſelves by a ſtanding force: But I cannot believe that the King Himſelf will ever deſign any ſuch thing; for He is not of a temper Robuſt, and Laborious enough, to deale with ſuch a ſort of Men, or reap the advantages, if there be any, of ſuch a Government, and I think, He can hardly have forgot the treatment his *Father* received from the Officers of his Army, both at *Oxford*, and *Newark*; 'Twas an hard, but almoſt an even choice to be the Parliaments *Priſoner*, or their *Slave*; but I am ſure the greateſt proſperity of his Armes could have brought him to no happier condition, then our King his Son hath before him whenever he pleaſe. However, This may be ſaid for the honor of this Seſſion, that there is no Prince in Chriſtendom hath at a greater expence of Money, maintained for two Months ſpace, a Nobler, or more uſeful diſpute of the Politiques, Miſtery, and ſecrets of Government, both in Church and State, then this hath been; Of which noble deſign no part is owing to any of the Countrey Lords, for they ſeveral of them begg'd, at the firſt entrance into the Debate, that they might not be engaged in ſuch diſputes, as would unavoidably produce divers things to be ſaid, which they were willing to let alone. But I muſt bear them witneſs, and ſo will you, having read this, that they did their parts in it, when it came to it, and ſpoke plain like *old Engliſh* Lords.

I shall conclude with that, upon the whole matter, is most worthy your consideration, That the *design is to declare us first into another Government more Absolute, and Arbitrary, then the Oath of Allegiance, or old Law knew*, and then make us *swear unto it*, as it is so established: And less then this the Bishops could not offer in requital to the Crown for parting with its Supremacy, and suffering them to be sworn to equal with it self. Archbishop *Land* was the first Founder of this Device; in his Canons of 1640. you shall find an Oath very like this, and a Declaratory Canon preceding *that Monarchy is of divine Right*, which was also affirmed in this debate by our Reverend Prelates, and is owned in Print by no less Men then A. Bishop *Usher*, and B. *Sanderson*; and I am afraid it is the avowd opinion of much the greater part of our dignified Clergie: If so, I am sure they are the most dangerous sort of Men alive to our *English* Government, and it is the first thing ought to be lookt into, and strictly examin'd by our Parliaments; 'tis the *leaven* that corrupts the whole lump; for if that be true, I am sure Monarchy is not to be bounded by humane Laws, and the 8. *chap.* of 1. *Samuel*, will prove (as many of our Divines would have it) the Great Charter of the Royal Prerogative, and our *Magna Charta* that says *Our Kings may not take our Fields, our Vineyards, our Corn, and our Sheep* is not in force, but *void* and *null*, because against divine Institution; and you have the *Riddle* out, why the Clergy are so ready to take themselves, & impose upon others such kind of Oaths as these, they have placed themselves, and their possessions upon a better, and a surer bottom (as they think) then *Magna Charta*, and so have no more need of, or concern for it: Nay what is worse, they have truckt away the Rights and Liberties of the People in this, and all other countries wherever they have had opportunity, that they might be owned by the Prince to be *Jure Divino*, and maintain'd in that Pretention by that absolute power and force, they have contributed so much to put into his hands; and that *Priest*, and *Prince* may, like *Castor* and *Pollux*, be worshipt together as Divine in the same temple by Us poor Lay-subjects; and that *sense* and *reason*, *Law*, *Properties*, *Rights*, and *Liberties*, shall be understood as the Oracles of those Deities shall interpret, or give signification to them, and ne'r be made use of in the world to oppose the Absolute, and Freewill of either of them.

Sir, I have no more to say, but begg your Pardon for this tedious Trouble, and that you will be very careful to whom you Communicate any of this.

FINIS.